

RCrisologo.RES

LEONARDO M. RAPADAS
United States Attorney
KARON V. JOHNSON
Assistant U.S. Attorney
Suite 500, Sirena Plaza
108 Hernan Cortes
Hagåtña, Guam 96910
Telephone: (671) 472-7332/7283
Telecopier: (671) 472-7334/7215

Attorneys for United States of America

FILED

DISTRICT COURT OF GUAM

OCT 12 2005 *hbo*

MARY L.M. MORAN
CLERK OF COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM**

DON CRISOLOGO,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

CRIMINAL CASE NO. 00-00047

CIVIL CASE NO. 04-00044

**GOVERNMENT'S CONCURRENCE
TO VACATE AND REENTER
JUDGMENT**

The United States concurs with the suggestion of this Honorable Court, to vacate and reenter the judgment in criminal case 00-00047, thereby giving petitioner/defendant the right to appeal his sentence.

Government counsel has talked to the defense attorney in this case, Robert L. Hartsock, who has retired and moved to Oregon. Mr. Hartsock indicated that any communications concerning whether petitioner wanted to appeal would be in his time sheets for the case.

Government counsel has talked to Renate Doehl, Operations Administrator for the Federal Public Defenders Office. Ms. Doehl has reviewed the Crisologo file, and advised that there is nothing

1 in the time sheets after the date of sentencing.

2 Mr. Hartsock says that, fond as he is of Guam, he would prefer to avoid the time
3 necessary to return for an evidentiary hearing. Given the expense involved as well, the
4 government believes the best resolution of this case is as the court suggested, to vacate and
5 reenter the judgment so that petitioner can appeal if he so desires.

6 RESPECTFULLY SUBMITTED this 12th day of October, 2005.

7 LEONARDO M. RAPADAS
8 United States Attorney
9 Districts of Guam and the NMI

10 By:


11 KARON V. JOHNSON
12 Assistant U.S. Attorney
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